

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 14425US02

In the Application of:

Steven Koenck

Serial No. 10/787,443

Filed: February 26, 2004

For: MODULAR, PORTABLE DATA
PROCESSING TERMINAL FOR
USE IN A COMMUNICATION
NETWORK

Examiner: CHERY, DADY

Group Art Unit: 2616

Confirmation No.: 7829

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is
being sent via EFS-Web to the United
States Patent and Trademark Office on
October 14, 2008.

/Philip Henry Sheridan/

Philip Henry Sheridan

Reg. No. 59,918

**LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with MPEP § 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by owner of record of the present application, Broadcom Corporation, in a stayed patent infringement action between Broadcom and Qualcomm, Inc., in the Central District of California, Civil Action No. 05-468. Further, U.S. Patent No. 6,374,311 was a subject of a U.S. International Trade Commission (“ITC”) investigation styled *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets*, Investigation No. 337-TA-543 (“ITC Investigation”). The administrative law judge in the ITC Investigation found that although the claims at issue of the ‘311 patent were valid, Qualcomm’s chipsets did not infringe the claims at issue of the ‘311 patent. The ITC Investigation judgment was then appealed to the U.S. Court of

Appeals for the Federal Circuit. On September 19, 2008, the Court of Appeals for the Federal Circuit affirmed the Commission's determination that Qualcomm's chipsets do not infringe the '311 patent, and did not overturn the ITC's finding that the '311 patent is valid.

Further, the Applicant submits herewith a Supplemental Information Disclosure Statement, including form PTO/SB/08 and a copy of the Court of Appeals for the Federal Circuit's decision. One (1) reference is attached in one electronic submission for the Supplemental Information Disclosure Statement.

This submission is in no way intended as an admission that the submitted reference constitutes prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that the cited reference is not indeed prior art or to take any actions necessary to remove the cited reference from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08 and return one copy to the applicants to indicate consideration of the attached reference.

A fee of \$180.00 is due because:

- The first Office action on the merits has been received by applicant(s).
- Applicant(s) believe(s) that this statement and attachments are being filed before any final action has been mailed by the PTO; before a notice of allowance has issued; and prior to any other action that would close prosecution in the application. The basis of this belief is that no final action, no notice of allowance, and no other action that would close prosecution of the application appear to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: October 14, 2008

/Philip Henry Sheridan/
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